

# ANDOVER CONSERVATION COMMISSION MEETING MINUTES

JANUARY 3, 2012

Town of Andover  
36 Bartlet Street  
3<sup>rd</sup> Floor Conference Room  
7:45pm

## **COMMITTEE MEMBERS IN ATTENDANCE:**

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Fran Fink, Commissioner Alix Driscoll, Commissioner Jon Honea, Commissioner Kevin Porter and Commissioner Floyd Greenwood (arrived 9:00pm). Staff Member present was Robert Douglas, Director of Conservation.

## **SCHEDULED ITEMS:**

### **67 Chestnut Street**

**Present in Interest: Robert Pelletier**

*Staff Recommendation: Approve*

Continued Public Hearing on the Request for Determination of Applicability filed to determine if the proposed installation of an 8' x 8' x 4' concrete pad is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA only and meets our setbacks as to resource areas. This is a "Backyard Project", and will be done on existing lawn area. The project consists of 3 decks on 18 hand dug sona tubes and a concrete pad as a base for a hot tub. The lot is subject to the Riverfront Act. The homeowner can alter 5,000 square feet or 10% of the lot, whichever is greater. There will be no significant adverse impacts as a result of the proposed work and there are no practicable alternatives for the proposed work. This site is previously disturbed which prohibits the 100 foot wide area of undisturbed vegetation for wildlife. The proposed project does not impair the capacity of the Riverfront Area nor will it impair groundwater or surface water quality. The project is at the extreme edge of the Commission's jurisdiction.

The plan submitted is lacking in some requirements, which are as follows:

1. The deck is not scaled to size and is represented as a rectangle on the plan, not a square;
2. MAHW line, or wetland boundary line;
3. Tree Line;
4. Existing and proposed topographical contours;
5. Delineation of BVW;
6. Structures not depicted on plan and not to scale;

7. No setbacks depicted, including 200 foot Riverfront, 100 foot buffer from BVW, RA line, 200 foot RA line, 50 foot no-build and 25 foot non-disturb;
8. Distances from proposed work to associated buffers;
9. Sedimentation controls (may not be necessary);
10. Calculate total disturbance in the Riverfront to date.

Staff to condition that all work to be a minimum of 180 feet from the resource area to include sedimentation control.

Commissioner Fink would like to see the dimensions on the plan submitted.

Satisfy filing requirements on plan of record and document dimensions of decks to satisfaction of staff.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to approve with conditions discussed, it was seconded by Vice Chairman Walsh and unanimously approved.

#### **Dascomb Road-Work in Roadway**

**Present in Interest: Michelle Stein**

*Staff Recommendation: Approve as Pos.2b and Neg.3*

Vice Chairman Michael Walsh recused himself from this hearing.

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed replacement of an existing water main, replacement of an existing hydrant, installation of an additional hydrant and installation of a 2.5 inch SCH galvanized steel pipe is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Mr. Douglas presented this to the Commission. The project is more than 50 feet from a BVW and is limited in scope. The project is not subject to the WPA, but is jurisdictional under the By-law. This is a necessary infrastructure project which is at least 50 feet away from the resource area, lends itself to containment and Andover DPW and Staff will be working closely on this project.

Michelle Stein presented the project to the Commission on behalf of the Town of Tewksbury DPW, which included a diagram of the project.

The project consists of replacing 100 feet of 8" cast iron water main, upgrading the meter in the meter pit, installing a hydrant in Andover and replacing a hydrant which is not functioning. The work will be done in the Right of Way and on a paved area. In 2014 Mass DOT will be installing a lighted intersection on Dascomb Road.

Chairman Cooper asked if there were catch basins in that area of Dascomb Road. The closest culvert is over 100 feet away. He also inquired if there would be any stockpiling on sight. Ms. Stein indicated that all fill would be trucked off site. Chairman Cooper asked that "no stockpiling" be added as a condition of the Order of Conditions issued.

Commission Fink inquired if there were any trees to be removed during this project. All work will be done within the pavement and no trees will be removed.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.2b and Neg.3 with the added condition of no stockpiling as discussed, it was seconded by Commissioner Driscoll and unanimously approved.

### **11 Ballardvale Road**

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act, and/or the Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling, garage, decks, in-ground pool, patio, driveway, walkway, drainage and associated grading and utilities.

The Appealed to DEP citing the 21 day time period for a public hearing was not met.

### **100-110 Corbett Street**

**Present in Interest: Dan Coughlin, David Bashara, Dan Zarzour, Brenda King, Daniel King, Pauline Dubois, Catherine Anderson and Russell Anderson and Jeffrey Bridge.**

*Staff Recommendation: Continue to January 24, 2013 for stormwater calculations.*

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act, and/or the Andover Wetlands Protection By-Law, for the proposed project to extend existing cemetery and provide more plots, including wetland crossing, regrading, BVW restoration and building a driveway. This was continued from August 7, 2012 for purposes of a peer review, presence of vernal pools, etc.

Mr. Douglas presented this to the Commission. An Enforcement Order was issued because the wetland, shrub layer and canopy was removed. A Notice of Intent was filed to expand the cemetery and restore the wetland.

Dan Coughlin has worked with Jeff Bridge to redesign the project and roadway moved to maintain minimum 30 foot buffer. The crossing was redesigned and pavement was eliminated.

Jeff Bridge addressed the Commission with his report. There had been some historical wetland filling which was not subject to the Enforcement Order and the new plan provides restoration and mitigation for both the old and new violations. The replication for the new project is 2:1, which is about a 20% increase in wetland replication. The project has been redesigned to fully comply with the 20 foot no-disturb zone and 30 foot setback requirement for the driveway so waivers are not necessary.

Alternatives were researched for the limited project crossing, including access from Montrose Avenue in Lawrence. The City of Lawrence has denied any access from Montrose Avenue. A letter from the City of Lawrence was attached to Jeff's report. There will also be no access granted from Corbett Street in Lawrence. The only alternative to access upland is the wetland crossing at a narrow point. 665 square feet of wetland will be altered for the crossing and 1330 square feet will be replicated. The driveway will be all gravel, eliminating the impervious area.

Commissioner Porter asked about the timeline for the construction process. He was concerned that future Commissions would have to rehear the project. The driveway construction should be finished within the next few years. Restoration will begin in early Spring in time for the summer growing period.

Commissioner Fink inquired as to the completion of the driveway. The wetland restoration will take place first then in sequential years the driveway and expansion. The expanded burial lots will be in use until completion of the driveway loop. How was the historic fill area boundary determined? Jeff Bridge responded that it was evident on the property that fill had encroached over time into the wetland. He researched historical aerial photographs to understand how the property evolved over time. He went through cemetery fill and debris with an auger to test soils and based on that made his determination of where the wetland may have been in 1972. The wetland hydrology was not altered, it was disturbed, but not filled which has allowed the site to vegetatively begin to recover on its own. The Applicant will replant red maple trees as well.

Commissioner Fink also raised the question regarding vernal pools on the property which would cause greater setbacks. Jeff Bridge eliminated the possibility of vernal pools in his report. In the undisturbed, wooded portion of the site, there are 2 slight depressions which he viewed in May. They did not retain water in the spring. They are fairly shallow in topography with evidence that water may stand there for a period of time, but not the depth required to for breeding purposes. Prior to the alteration, it could have supported vernal pool habitat. The setback would be 75 feet for a structure if there was a vernal pool, however there are no structures as part of this project. Jeff Bridge will look further at the possibility of the vernal pool and advise the Commission.

Commissioner Fink also requested the stormwater management systems and/or calculations. Since no impervious area is proposed on site, they were not submitted. The change in grading towards the wetland and clear cutting would be cause to submit the calculations. Dan Coughlin stated that sample calculations were run through and they showed a decrease in runoff. That, together with the lack of impervious area led him to believe the submission was not required. Commissioner Fink again requested the calculations as part of the Notice of Intent filing requirements.

Brenda King, an abutter addressed the Commission regarding her concerns about water runoff. She has flooding in the basement already and is now worse since the clear cutting. How many trees will be replanted? 35 trees will be replanted. The grading to be done in Phase 2 will reduce the amount of runoff on the site due to grading and lawn area to be added.

Chairman Cooper requested the stormwater analysis to be provided to the Commission. If the results show a reduction in the runoff as indicated, we can present it to the abutters concerned about additional runoff from the site. An Engineering Review was not conducted on the site by Jeff Bridge, as he was asked to conduct the Biological Review only, but the project does not meet any of the 3 exemptions of stormwater analysis. The entire site will be acting like a BMP. Much of the water that currently runs off into the street will be captured into the recharge area.

Kristin Perrault provided the Commission with photos of the storm drain which shows water damage on the Montrose Avenue side.

Staff will contact peer reviewer for an engineering peer review for a proposal. The Applicant will provide a report with the stormwater calculations and then make a decision regarding the peer review. Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to continue to January 24, 2013 at 8:15pm, it was seconded by Commissioner Driscoll and unanimously approved.

**ACTION ITEMS:**

**95 Old River Road**

*Staff Recommendation: Approve.*

Request for a three year Extension to the Order of Conditions for the Aquatic Management Program.

Commissioner Driscoll made a Motion to Approve, it was seconded by Commissioner Porter and unanimously approved.

**311 South Main Street**

*Staff Recommendation: Approve.*

Request for a temporary cessation of inspection reports. Reports to cease until March 15, 2013, or a major storm event or upon the restart of construction.

Commissioner Honea made a Motion to Approve, it was seconded by Commissioner Porter and unanimously approved.

**CONSENT AGENDA:**

**Minutes**

Approval of minutes for meeting of December 13, 2012.

**460 River Road**

Issuance of a Certificate of Compliance.

**23, 25, 27 & 29 Muirfield Circle (Legends-Phase I (Building 4))**

Request for a Partial Certificate of Compliance. This was removed from the Consent Agenda and continued to January 24, 2013.

**15 Vine Street**

Issuance of a Partial Certificate of Compliance.

Commissioner Porter made a Motion to Approve the Consent Agenda, it was seconded by Commissioner Driscoll and unanimously approved.

## **DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**

### **278R High Plain Road**

The Applicant will have the appraisal completed by January 14, 2013. The Applicant will be submitting the warrant article on his own.

Continued to January 24, 2013 for an update.

### **SunGen Solar Project**

**Present in Interest: Mark Johnson, Kathryn Morin and Dan Holt**

The site walk was completed. The fence line along the SunGen property was a gradual slope and pedestrian access or a roadway could easily be constructed. The trail team can build a walkable pathway. The Commission has worked with National Grid on other projects and Staff is confident we can obtain an easement from them as access to this property. Peer review is underway as well as the title work. Town Counsel is also reviewing the proposed documentation provided by Attorney Johnson. Attorney Johnson confirmed that any changes made while negotiating with AVIS have been maintained in the documents provided to the Commission.

Commissioner Greenwood inquired if there will be vehicular access at some point? Once the project is decommissioned, the Town will have vehicular access for routine maintenance. There is an existing foot right of way along the zigzag line, is that effective now or upon decommissioning? As long as the Town can obtain access from National Grid, there is access after construction. Commissioner Greenwood would like an answer from National Grid sooner rather than later. Staff will meet with Land Group to discuss contacting National Grid.

Commissioner Driscoll inquired as to the perimeter road which can be used for access to the highway. She would like this access written into the document now. However, there may be a better or different access available upon decommissioning so a specific access cannot be written into the documents, only that access would be granted.

Continued to January 24, 2013.

### **15 Geneva Road**

Ratify Enforcement Order to be issued for work within the Buffer Zone. A Cease & Desist will be issued and a request for a restoration plan for a large amount of work within the buffer zone at Haggett's Pond. The property is a peninsula into the Town's drinking supply.

Commissioner Honea made a Motion to Ratify the Enforcement Order, it was seconded by Commissioner Driscoll and unanimously approved.

### **24R Pomeroy Road**

Discussion of Enforcement Order issued November 7, 2012. The Proponent responded to the Enforcement Order stating he was simply repairing an existing wall. The deadline for submitting a plan

to remove the wall as November 30, 2012. Staff to send letter giving 10 business day deadline to comply then fines of \$200.00 per day will begin.

Vice Chairman Walsh made a Motion to notify the Proponent that he has 10 business days from the date of the letter to comply with the Enforcement Order and then fines of \$200.00 per day will begin, it was seconded by Commissioner Driscoll and unanimously approved.

## **2 Possum Hollow Road**

Update on Enforcement Order issued November 21, 2012 for unauthorized fill and work within a wetland and buffer. The Enforcement Order asked that the wetland be delineated, a stump count be done as well as a restoration plan be provided. Staff has not received a response from the homeowner upon their arrival back to Andover. Staff recommends fining the contractor as well as the homeowner.

Commissioner Porter made a Motion to send a letter to the homeowner giving them until the next hearing date to respond then fines of \$200.00 per day to begin, it was seconded by Commissioner Greenwood and unanimously approved.

## **29 Buttonwood Drive**

Staff received a complaint from a neighbor regarding dumping of dog feces into a stream on Conservation property. Letters have been sent to the abutters as well as a Notice from the Health Department has been posted on the property.

**The next meeting will be held January 24, 2013 at 7:45pm.**

**The meeting was adjourned at 9:45 a.m. by Motion of Commissioner Driscoll, it was second by Commissioner Honea and unanimously approved.**

Respectfully submitted by:

Lynn Viselli,  
Recording Secretary